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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
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12 UNITED STATES OF AMERICA,)
13 Plaintiff,) CR. No. S-03-0467-GEB
14 v.)
15 HOSEIN ABEDI,) STIPULATION & PROPOSED ORDER
16 Defendant.) SETTING MOTIONS HEARING DATE
17 _____)

18 It is hereby stipulated and agreed, by and between the
19 defendant Hosein Abedi, by and through his counsel, Timothy E.
20 Warriner, and the United States, through its counsel, Assistant
21 United States Attorney Anne Pings, to vacate the previously set
22 motions hearing date of December 29, 2006, and to set a new motions
23 hearing date of January 26, 2007.

24 The defendant's brother has a similar case pending. Both have
25 filed substantially similar motions to transfer venue to the Central
26 District of California. Hosein Abedi desires to have his hearing on
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1 his venue motion on the same date as his brother. Hamid Abedi's
2 hearing is currently set for January 12, 2007. Hosein Abedi has,
3 however, filed three additional motions. One of those motions
4 requires the government to consult and obtain documents from the
5 California Department of Health Services. Moreover, due to filing
6 deadlines for two Ninth Circuit briefs and the intervening Christmas
7 holidays, the government will be unable to file its oppositions in
8 time to have a joint hearing on all the motions on this date and
9 is requesting additional time to file its opposition to the those
10 additional motions. Thus, this request is made partly to
11 accommodate the desire of Hosein Abedi to have the motions of both
12 defendants heard on the same date.

13 The proposed schedule would be as follows: Govt. Oppositions
14 due January 15, 2007; defendant's reply due January 22, 2006;
15 motions hearing January 26, 2007.

16 The parties agree that they also seek this small amount of
17 additional time for counsel to conduct factual and legal research
18 into the Medi-Cal regulations in order to determine if the case can
19 be resolved. The parties desire to make this determination before
20 the Court rules on the motions to change venue, given that
21 disposition of the case would be more cumbersome if venue is
22 transferred.

23 The availability of the date has been verified with the Court's
24 clerk.

25 The parties agree that time should be excluded under the Speedy
26 Trial Act, 18 U.S.C. § 3161(h)(8)(iv) (preparation of counsel) in
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1 that the ends of justice served by allowing defendant's counsel time
2 to conduct legal and factual investigation in a manner he believes
3 necessary to provide effective representation to his client outweigh
4 the best interest of the public and the defendant in a speedy trial.
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6 DATED: December 7, 2006

Respectfully submitted,

7 MCGREGOR W. SCOTT
8 United States Attorney

9 /s/ Anne Pings


10 ANNE PINGS
11 Assistant United States Attorney

12 /s/ Anne Pings

13 For Timothy E. Warriner
14 Counsel for Defendant Abedi

15 **IT IS SO ORDERED.**

16 Dated: December 11, 2006

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19 GARLAND E. BURRELL, JR.
20 United States District Judge
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